



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: ROTH *et al.*

Confirmation No.: 3810

Application No.: 09/978,002

Group Art Unit: 3732

Filed: October 17, 2001

Examiner: Robert, Eduardo C.

For: BONE FIXATION SYSTEM

Attorney Docket No.: 8932-266

#5
Section
S. Bryce
10/27/03

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:


In response to the Office Action mailed September 23, 2003, Applicants elect the invention of Group III – claims 22-30 drawn to an implant system – for prosecution in this application. Applicants reserve the right to file divisional applications to protect the inventions of Groups I and II.

Applicants provisionally elect Species I (shown in Figs. 1-12A, 13-18) for prosecution at this time, with the understanding that the claims shall be restricted to this species only if no claim that is generic to Species II (shown in Fig. 12B) is finally held to be allowable. The following claims are readable on Species I: 22-26 and 29-30. Applicants submit that these claims are generic to Species I and II.

No fee is believed to be due for this submission. Should any fees be required, please charge such fees to Pennie & Edmonds Deposit Account No. 16-1150.

Respectfully submitted,

Date October 23, 2003


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